

A theory of justice: Rawls and his critics



It is not often that a philosophical theory is turned into [a musical comedy...](#)

This session will introduce John Rawls' *A Theory of Justice* (1971), one of the most influential works of political, economic, and moral philosophy in the 20th Century. Rawls attempts to describe what a *just* society would look like, taking into account all we know of past failures. We'll look into Rawl's influences, his background assumptions (still widely shared in the Western World), the principles at the core of his theory, his arguments for them, his own revisions of the theory in light of his growing realization of entrenched power concentrations, what critics have been saying ever since – critics from the socialist left, the libertarian right, the feminist reaction, etc. – and, of course, the view from where you are positioned in the social, political, and economic scheme...

Post-Rawls, are we *still* behind a “veil of ignorance”?

Justice as fairness

Rawls surveyed Western political and economic philosophical ideas and found them all wanting when addressing the problem of unjust concentrations of wealth. This spurred him to devise a theory enshrining certain egalitarian ideals while acknowledging the realities of human motivation. His theory hinged on an idea of *fairness* which questions the role of chance in the distribution of wealth and power.

All theories assume things from which they press forward. Political and economic philosophies are derivative of certain conceptions of human nature and the ethical principles that characterize these. Marx, for instance, assumed that we are *fundamentally* “species-beings,” that our best interests are nature-conditioned, practical and tangible ones. Nature is never concerned with individuals. We are first and foremost constituents of a species with a *collective* interest in living, and that we are not only capable of such identification but that we actually *do* identify as such, and that the material needs thus entailed come before anything else. Rawls, in contrast, took it as axiomatic that humans value the freedom to exercise a level of autonomy over their lives. It’s not that he didn’t acknowledge that we may share an identity with others but that, as we find them, people are driven to value their individual autonomy almost above all else: that not only may it be asking too much to demand they abandon this autonomy, but that it is objectively in their *collective* interest not to. But he also thought we are capable of grasping that none of us are inherently *more* deserving of this liberty than anyone else. To this extent, we might rise above naked self-interest and be prepared to admit that a principle of *fairness* entails some constraint on our autonomy. Hence, in a just society, his two principles can be expressed:

1. Each person is to have the maximum amount of *liberty* possible, consistent with everyone else enjoying the same. (The “liberty principle.”)
2. As a result of the above, it is inevitable that *inequalities* of wealth and power and the amount of liberty these make possible will emerge. This happens because we are motivated to produce goods by the prospect of acquiring wealth, but not everyone is equally positioned to exercise that motivation, and this, *through no fault of their own*. Thus, since the inequalities cannot completely be justified on meritocratic grounds alone, some of the resulting wealth inequality demands mitigation by being redistributed to those least fortunate so that the first principle above may be realized. A society organized this way is *just* because it acknowledges the role of *both* effort and fortune. Justice must work with these to shape society. (The “difference principle.”)

The second, the “difference principle,” requires the most elaboration. The reasoning goes like this:

Because we are fundamentally self-interested, it is easy to understand why we may want to accumulate wealth: a measure of it is necessary for survival and to flourish. Moreover, having acquired enough, we want *more than enough* to insure against future contingencies. How much is enough? And at what price? If there were no price for limitless amassment, we would not have a problem, but there is a price that looms larger and larger the vaster the degree of wealth inequality.¹

We feel there is moral justification for our wealth especially when it was acquired through sacrifice and effort.

What makes it possible for the transfer of some of their wealth to others, and thus, potentially enriching them, is that these transferees have produced something of value to transferors.

1. We won’t stress it here, but there are costs to the “haves,” the wealth amassers, every bit as much as to the “have-not,” those left holding less. These costs are first profoundly *moral*. And, yes, these moral costs can advance to *material* ones, too. We have, and will again, argue this elsewhere. Here, we, however, stick with more obvious material inequality.

The production of such value benefits all in a given community. It benefits the producer of the good, who have it in excess of their need, as well as others who willingly transfer some of their wealth to the producers in exchange for the goods generated.

Since we are motivated by wealth acquisition for understandable natural reasons, it is a good idea to incentivize the production of goods and services by transferring some wealth to its producers through profit.

Maintenance of *a system of incentives* for the production of goods, therefore is beneficial to the community.

So far so good, but...

Where is the sweat?

But this may, and often does, lead to concentrations of wealth among some people and a dearth of it in others.

This is because the resources and abilities for the production and concentration of wealth are not evenly distributed. Some of us can, and will, produce and concentrate more wealth than others.

A very large part of the resources and abilities that make for such wealth concentration is not itself the consequence of anyone's effort or sacrifice. Its initial distribution is a matter of luck.

This fact undercuts, to an extent, the meritocratic justification for some having more than others. *Some* portion of the wealth concentration is not *meritocratically* deserved. It's not deserved because the initial conditions and circumstances conducive to it were not due to the effort of the one taking advantage of them to be productive.

As a result, some of this wealth concentration is morally available for redistribution to achieve a better justified outcome than simply leaving it where it has concentrated by default, and then not always as a matter of desert. No one has a *better* claim that precludes such redistribution. Indeed, the credibility of meritocratic claims of desert rapidly diminish with the density of the concentration. How much bodily fluid may a human body contain to expend on producing wealth before a claim of merit becomes ludicrous: take a billionaire who earns many hundreds of thousand of dollars *per second* even in his or her sleep... Luck and institutions explain such phenomena, not "hard work" – where is the sweat?

A more credibly justified end is the use of the excess undeserved wealth concentration to improve the chances for worthwhile lives among those less fortunate in the initial distribution of talents and abilities. In effect, *excess undeserved wealth falls into the public domain* – and this because the chance element in its concentration is too glaring.

Since no one is inherently superior to anyone else, according to Rawls – all are equally deserving of, at least, tolerable life circumstances, this is cause for redistributing some of the excess undeserved wealth to the end of subsidizing opportunities for the less fortunate so that they, too, may exercise their potential to enjoy the liberty prized in the first principle of justice.

In this way, those least fortunate may be elevated, and conditions for society as a whole will be improved. The least fortunate are benefited at the same time that the more fortunately enabled maintain incentives to productivity, which is a source of benefit for everyone.

These considerations led Rawls to principles that, he thinks, rational and self-interested, hypothetical persons deciding on rules governing a world into which they would be born into would accept. These in an “original position” would *not* know any of the details of their birth endowment: not their race, sex, gender, religion, nationality, the socioeconomic standing of their parents, not their natural talents or abilities, etc...² So, these deciders would be behind a “veil of ignorance” with regard to where in society they may land. Being rational and self-interested, however, they would be prudent enough, Rawls thought, not to take the chance of landing some place with only miserable or hopeless prospects. They would hedge their bets. To insure against the worst, the society into which they would wish to be thrown would be one governed by principles like those Rawls proposes. As he put them:

First Principle: Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

Second Principle: Social and economic inequalities are to satisfy two conditions:

- a. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
- b. They are to be to the greatest benefit of the least-advantaged members of society (the *difference principle*) (JF, 42–43)³

Critique from the libertarian right: Nozick's Entitlement Theory

Rawls admits we have ideas about what we are entitled to. We feel entitled to what we expend our limited resources to attain. Most liberal theorists, including Rawls and his chief critic from the libertarian right – Robert Nozick, build on John Locke whose theory of property held that *private* property (strictly, the only kind there is, since “ownership” is non-natural) originated through the expenditure of (figuratively and/or literally) our bodily fluids: whenever we shed blood, sweat, and tears to arrogate from nature for our exclusive use what nature indiscriminately dispenses.⁴ In the beginning, all goods are held in common if they are held at all. We work the piece of land before us and make it ours thereby. We produce sustenance from it, adding value to it. We acquire a claim to this real estate, and, through the value it produces under our direction and effort, to other goods as well, including the power it privileges us with over others, who may have acquired less.

2. Those in the original position to decide on the principles behind the veil of ignorance will be allowed knowledge of their basic interests, that others will have interests, not necessarily the same, that the goods in the world into which they will be launched will be moderately scarce but adequate, general uncontroversial conclusions of science, and basic common sense.

3. Consider why paying a brain surgeon more than a janitor is justified: the investment in becoming a brain surgeon requires those capable of it to be incentivized. Less investment is involved in being a janitor, hence, less incentive is needed. But there comes a point when the magnitude of the surgeon's incentive prices their services out of reach of the janitor. At this point, the inequality the surgeon benefits from is no longer of service to those least advantaged – in violation of the *difference principle*.

4. Sexual fluids not excepted, as offspring are “property,” too, in the sense of it relevant here.

Nozick draws out the consequences of this Lockean understanding of *legitimately* acquired material wealth. Material good, thus, is made discriminant, taken from its prior, natural, held in common, status: it becomes *mine* or *yours*. It will remain this way unless we *choose* to transfer it to another. This may happen in only a few very limited ways:

1. **Through willful exchange for something else.**
2. **Through gift.**

Thus, taking account of its original Lockean creation, legitimate property is acquired through *willful*:

1. **Effort**
2. **Exchange, or**
3. **Gift**

Any other form of distribution is theft. All legitimately held property is acquired in one of these three ways. It follows from this that taxation is theft. There is no morally excess wealth to redistribute contra Rawls. We are *entitled* in this way to the things we have. Anyone who ends up with our stuff, other than through one or more of these three ways, does wrong.

As long as property distribution comes about by following these rules of just acquisition, the distribution is not subject to any other moral conditions such as principles of equality. No one *owes* anyone anything unless they have contracted to do so.⁵ Yes, luck is involved. There may be vast inequalities in the world Nozick envisions, but this is ok. He, relative to Rawls, has fewer qualms with the role chance plays.

Why would we think otherwise? Consider the distribution of other goods besides material wealth – relationships of friendship and love. Do we think that everyone is *entitled* to a certain measure of either – because then everybody would get some? Are ugly people entitled to a minimum amount of sexual attention, below which, it is our responsibility, to insure they don't fall? Those of us not so repulsive: *must* we share our bodies sometimes with these because, otherwise, the unfairness of their lot would be morally obscene?

Nozick thinks this would be a consequence of making the fortunate responsible for the bad luck of the unfortunate. Should a “sex tax” be levied on the rest of us so that incels, for example, would be guaranteed occasional sexual intercourse with those who are less wanting of the opportunity for having it? Similarly, ought women to be *forced* to bring fetuses to term because the community they live in needs more future tax-paying citizens? If we insist that no such demands would be morally justified: it must be because we demand some bodily autonomy. It is not just that we are not entirely at the disposal of the communities we live in, the question is: *are we ever at all?* Nozick takes liberty more seriously than Rawls. For the former, it is not just a fact about us that we insist on it: liberty is *inviolable*, no matter the socio-economic consequences. Thus, no amount of wealth concentration is *in principle* too much. Again, with the caveat that it came into being in one of those three ways.

5. Contracts between unequally positioned parties are suspect (Onora O'Neill, for example, has done much work on this), but Nozick does not see this as a strike against the fairness of *properly generated* inequality.

So... is Nozick apologizing for the wealth inequality that exists? Is he saying *the world we live in* is “just”?

No.

Why? Because he acknowledges that *in this world* wealth concentration did not historically get generated exclusively in one of those three ways. *In this world*, much – *perhaps nearly all* – of the material inequality that exists came about at some point in the history of its concentration because it was *stolen*. It was *taken* by force from those who may have acquired it originally through willful effort, transfer, or gift. If this happened in its history, the wealth concentrations existing today are not legitimate – they were not purely generated via his first three principles. Which opens the door to the application of his last principle of legitimate wealth distribution:

4. The principle of rectification.

If your phone was stolen before you bought it, it is not yours (no matter that it wasn't you who stole it or that you don't know specifically who did). It could be rightfully taken from you and restored to its legitimate owner. If a privilege you have was acquired through fraud or force at some point in its history, it is not rightfully yours and you are indebted to someone or their descendants. Under these circumstances, it is legitimate to levy some tax on – or take something from – you so that the victim of the injustice may be compensated. Under these circumstances, you may, indeed, *owe* others. This is rectification. It seeks to put things back to how they should have been all along. *Remember: luck, both good and bad, are real constraints on the moral world for Nozick.*

But this is not quite wealth redistribution because *only what was never yours* may be taken from you.

Jason Brennan makes the point that the realization of a Nozickian world may require a reset: stripping away all property from everyone and have them restart its distribution governed *only* by the first three of his principles of property acquisition and entitlement: *effort, exchange, or gift*.

Feminist critiques

To what extent is Rawls's theory inflected by a masculine bias despite the fact that he explicitly tries to take sex and gender out of the running as factors that should shape just institutions? Perhaps, he was not aware of what is more obvious to women: that biological sex and the social construction of gender roles around it may not be dismissed in the characterization of the originally positioned deciders of principles of a just society. It is not enough to pretend sex-blindness to foster fairness.

Take *liberty* itself, the *first* principle for Rawls. Certainly, most everyone values it – *among other things*. But liberty's relative ranking among those *other* things may not be the same, and *systematically so*, for beings placed by their animality in certain roles. Moreover, even when the *ranking* may be the same, the *meaning* attached to the term “liberty” may be characterized differently for distinct “natural kinds” of people.

Security, in particular, has been ranked as number two among top values, right after liberty, *by men* in surveys ranking values. Everybody wants to be secure, of course, *as well as free*. But the ranking for

women, it's been noted, is reversed: *security, then liberty*. Everybody wants to be free, of course, *as well as secure*. The difference is not subtle. It will have significant downstream effects on how women and men view the world and what will constitute *fairness* in it, how resources should be allocated, and what styles of being the world will be favored.

For illustration, consider this: our system of jurisprudence (in the U.S.) assumes that people are “innocent until proven guilty.”⁶ Why? Because we take dead seriously one's individual *liberty* and it is a supremely weighty matter to deprive one of it. *Is this rational, though?* What if a certain *clearly definable class* of person was uncontroversially more likely to cost society more than another *clearly definable class* of person? It seems if we don't take this into account in the design of our institutions, something is amiss – again, *if* we are rational and want the best possible society. But there *are* such classes of persons: men and women. In all places and times for which we have historical records (and prehistoric indications), statistically, males have been more partial to risking their well-being *and* that of those around them than women. *Ninety-five percent of everyone incarcerated everywhere at all times are – and have been – male*. In the U.S. alone, the cost of jurisprudence and penal systems to cope with criminality, virtually all of it due to males, has been noted at 500 billion per year.⁷ All this to protect us from a class of persons, we know full well are dangerous and costly.⁸ Why not spend the money on *preventative* measures? Intense inculcation and training of boys, for instance, to compensate for what appears to be a congenital social disability peculiar to maleness?

But we don't do that. And hardly anyone suggests it. Why? Because it would treat women and men as constitutionally different from each other from the outset (in philosophical parlance: “essentially”), and would cross progressive or perfectionist schemes like Rawls's with its imperative to treat people *irrespective* of their sex/gender *and* would question his pedestalization of liberty. The fact that some people will *congenitally* exploit their liberty more than others is no reason to constrain them in advance – even knowing what is inevitable. We must wait until the damage is done, then mop up afterwards. All because liberty is *more* important than security... Is it?

Few feminist academics dare put it in such stark terms. Even those sympathetic to Rawls, feminist liberalists, despite their struggle to salvage and harness as much of Rawls' attempt at impartiality, nevertheless stumble around the problem of the liberty's pedestalization.⁹ They water it down a bit more than male theorists are incline to. They water it down, out of courtesy (sexist chivalry), or is it congenital low-self-esteem?

6. While [ancient](#) and widespread, the presumption of innocence is not universal. In [Mexico, for instance](#), in criminal law, guilt is presumed, innocence to be proved: though penalties are commonly less severe than in the U.S., and there is no capital punishment.

7. See “[The Economic Burden of Incarceration in the U.S \(2016\)](#).” Include mass violence and war... and the even this number pales.

8. Women, as a class, despite their own proprietary, biology-based, costs to society – welfare and child-care support, etc. – do *not* rack up comparable bills as a result of their *exclusive* behavior. Retired Stanford economist, June Stephenson, did the math in her banned book *Men Are Not Cost-Effective* in 1995. She suggested a head-tax on being male to even out the burden. See also our write-up “[Boys Kill](#).” It is not that male risk-taking behavior is never productive. It is that it may not be so *enough*. It strains proffered justifications.

9. See Rachel Abbey in Resources below.

Some radical feminists, with communitarian intuitions, want more than to downplay the individualist libertarianism evident in both Rawls and Nozick. For Rawls, the basic unit of ethical attention may not be the individual but the family. This may sound progressive, but it is deceptive. *Within* the family Rawls *does not* apply his principles. This leaves the door open to preserving traditional family roles in which women are disadvantaged economically, politically, and socially. Rawls wants to say, rather, that *within* the family, love and affection will insure justice, no pressing need for principles... Right??

...

There are at least two quite different conceptions of “liberty.” One has been identified as *freedom to* participate in large power structures (in government, for example) and the other as *freedom from* government or community conformity. Isaiah Berlin called these “positive” and “negative” liberty, respectively. Assuming these different conceptions are both in widespread evidence (as it appears they are), at the very least, they ought to be equally armed in their contest with each other. This means a fruitful cooperative place in the power architecture of a given society must rank *at least as* highly as individual portions of autonomy. It may mean that each of these conceptions may have its “natural” partisans, and, by and large, it so happens, these line up along sex lines.

The “essentialist” view that sex differences matter is met with criticism often in recent social science literature:

Nonetheless, because men and women generally are socialized in the same linguistic community, the value labels or concepts they acquire for their goals are likely to have similar meanings.¹⁰

In a given place and time, available is *one* set of meanings for *liberty* and *security*, not typically two: male liberty and female liberty, for instance. By default, then, one is channeled into adapting to *this* restricted semantic pallet, choosing from *this* menu. There is *one set* of terms into which we may insert meaning and value. While this may be the case sociologically, culturally, it does not rule out input into their meaning by biology. Nature impinges on the social, it seems, we may need to be reminded. A manifestation of this is Isaiah Berlin’s negative and positive freedoms: one defensive, the other engaging: freedom *from* and freedom *to* (i.e., “prepositional” freedoms), freedom *from interference* vs freedom *to participate*, the first with masculine inflections, the latter with feminine ones...

Hence these theories do not necessarily imply gender differences in value structure.

10. This and succeeding quotes are from “[Value Priorities and Gender](#),” Eetta Prince-Gibson and Shalom H. Schwartz, *Social Psychology Quarterly*, 61, 49-67. (1998).

Not *necessarily*, but they do *suggest* it. Absent some local (i.e., political) agenda, we are obligated to take the suggestion seriously.

Theories of stable differences have been criticized severely. Conceptually these theories have been faulted for insufficient attending to sociopolitical inequalities between men and women and for promoting a false universalism and an ahistorical notion of women (Deaux and Major 1990; Hare-Mustin and Marecek 1986; Loft 1990).

As much, we need not deny, but this does not diminish the essentialist element in the framework within which *any* notion of human justice must perform. Humans *remain* biological. Social constructions *only* make sense against this premise. We are a dioecious species. We are not going to socialize that away in historical time. What we do about it is, indeed, an open question; what we do about it is *not* determined by nature or biology. But we had better attend to the premise in our constructions or risk *dehumanization* – assuming that is still a value.¹¹

What does this mean for Rawls' theory? Those in the original position he conceives of as sexless. (But *not really*, as some feminists have noted.) How is even the pretense of this possible? Any world into which these originally positioned deciders will be thrown into will be a world where sex is a real determinant of experiences (socially constructed or not), a world in which women, *and only women*, (still) give birth and, at least early on, are the principle nurturers of future generations – most often by choice *and* natural inclination. Men, most often by choice and natural inclination, must carve out from what will face them their significance, their reason for being, in other, less intimate, ways. They must manipulate experience *constructively* to justify their presence. They fail at this a great portion of time. Sometimes they succeed spectacularly, but it remains ever unclear whether this is enough to justify their existence. Their reason for being is ambiguous, always tenuous. This biological insecurity drives their risk-taking, with all the good and bad that results.¹²

As feminists indicate, if future generations are to learn anything about justice, the seeds of it must be planted in their unconscious on their mother's knee. If their mothers are true victims of injustice, we

11. That it may *not* be, we have discussed [elsewhere](#).

12. *Psychological* insecurity is the corresponding feminine bane.

can only imagine what distortion of fairness will be passed on from there...

Thus, Rawls's original position is not credibly relevant to the human world absent knowledge of what is in store for these deciders of future guiding principles, absent any understanding of what the world is like for women and men. These deciders cannot be ignorant of this. A veil as opaque as Rawls describes makes nonsense of fairness.

They must *know* that if their lot is to be a woman it will mean this, or if their lot is to be a man it will be that. Not knowing which they will be, they must still know what it will be like to be one or the other and that these experiences will be different in major, practically immutable ways.

Therefore, sex is not like all those other parameters of being human in the world. It is not like race, gender, religion, heritage, class, culture, language, etc. All these are mutable in ways biological sex is not. These other ways of being in the world can and do change even in the course of one life time. *Biological* sex roles do not.¹³ Not yet. It is more likely some of the things Rawls chooses to grant those in his original position, rational self-interest (rather optimistically), for example, will change sooner.

Rawls revised

May we modify the character of these original deciders in order to improve the quality of justice we can expect to result from their decisions? Suppose we stipulate that *equal* numbers of them will be female and male and that they will *know* their biological roles in the world whose structures of justice they will design? This would build in a balanced representation of feminine and masculine sensibilities in the design and stipulation of value hierarchies. It might, for instance, permit discussion of this variant of Rawls' set of principles:

First Principle: Each person has the same infeasible claim to a fully adequate scheme of equal basic *security*, which scheme is compatible with the same scheme of *security* for all;

13. Nothing said here pigeonholes individuals into one or the other role exclusively: that *actual* people may in some respect be feminine *and* in other respects masculine, that *pure* cases of either are vanishingly rare, that in *any* admixture all proportions are possible whether biological or psychological – all are perfectly compatible with the suggestion here. The only thing ruled out is a human utterly sexless or sex neutral. All humanity is comprised of the feminine and the masculine, and it is found in the wild in potentially infinite variegation. There is no distinct third sex that exists or could exist *while still human*. Again, drop the “human” part and we venture into new ontological territory, which would have very different moral parameters. Justice there is not what either Rawls, or his critics, I take it, address.

Second Principle: Inequalities of security are to satisfy two conditions:

- a) They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*;
- b) They are to be to the greatest benefit of ***the least secure*** members of society (the *difference principle*).

The first principle would pedestalize security. The second would acknowledge that some may amass more security than others but this would be tempered by the benefit it brings to the least secure. This variant is compatible with placing high value on liberty, but *instrumentally* so: because of what it does for ethically optimizing security.

...

While the specifics are not the same, the underlying premise suggested here has been articulated by Sylviane Agacinski in [*Parity of the Sexes*](#).¹⁴ It is that women and men *cannot* legislate for each other. There are real differences in their normative dispositions, and these dispositions are rooted in biological facts about humans closely tied to survival and flourishing. And they are not mutable in historical time. In this way, they are not like other differences that divide people.

The claim is not that the sexes cannot share values, but that, even when these are shared, many of the most important ones are deeply inflected by our dioecious animality.

Postscript: Rawls' move to the left

A Theory of Justice was written early in Rawls' career. It appears he thought then that people were more reasonable than they are, that they would voluntarily come to realize their duty to improve everyone's lot by seeing the obvious fairness of it. That surely everyone would agree, that while it is good that we look out for ourselves because we are deeply motivated to and most productive doing so, reason would inform us that our being able to be so productive at guarding our self-interest is never entirely our own doing, that much luck was involved and that this luck is arbitrarily distributed. Realizing this, we would reason, he thought, that no one actually *deserves* their luck. If they *deserve* it, it was never luck in the first place. It was merit. But merit does not work in a vacuum of luck. It requires a modicum of it.

In the over half century since he first formulated his theory, the material inequalities that disturbed him then have only accelerated and there are no signs his theory has been taken very seriously, let alone made a dent in the unjust concentration of wealth. You would think that billionaires were gushing oceans of sweat, to go back to Locke's vision of how property came into being in the first place. Rawls was well aware of this toward the end of his career. And he came to view socialism more sympathetically, at least according to some interpretations of his later writings.¹⁵

14. See notes on [a reading of Agacinski](#).

15. In [a review](#) of *John Rawls: Reticent Socialist*, William A. Edmundson, Ed Quist writes "By the time of Rawls's final work, released in 2001 and called *Justice as Fairness: A Restatement*, he had concluded that capitalism is incompatible with the political equality and fair opportunity that justice demands. Rawls envisioned two kinds of regimes beyond capitalism that might equally realize justice: 'liberal democratic socialism' and what he called 'property-owning democracy.' Edmundson argues that Rawls's professed neutrality is misleading, and that his mature theory systematically favors socialism. Providing the rudiments of a socialist argument that he declined to carry out makes Rawls a 'reticent socialist.'" A very important value for Rawls was, all along, that there be room for distinct values. Pluralism was why liberty was so

Nevertheless, Rawls never abandoned his first principle: that *liberty and the value pluralism it makes room for* must come *before* everything else.

Resources

Stephen West (Philosophize This!), “[John Rawls - A Theory of Justice](#).” Friendly intro for the uninitiated. – podcast.

Michael Sandel, “[Lecture 15 - John Rawls: The Case for Equality](#).” Sandel probes student intuitions on distributive justice – video.

Jason Brennan, “[Rawls’ Distributive Justice](#)” and “[Skepticism About Distributive Justice](#).” Libertarian critique – video.

Ed Quish, “[John Rawls, Socialist?](#)” How far did Rawls move to the left? – online article at Jacobin.com.

Colin Bradley, “[Liberalism Against Capitalism](#),” More on Rawls’ move to the left – online article at Aeon.

Ruth Abbey, “[Biography of a Bibliography: Three decades of feminist response to Rawls](#),” Abbey offers a comprehensive survey of feminist reaction to Rawls, both sympathetic and critical – pdf. See also her presentation and discussion “[The Rawlsian Legacy for Feminism - Ruth Abbey](#)” – video.

Kimberly A. Yuracko, “[Toward Feminist Perfectionism: A Radical Critique of Rawlsian Liberalism](#).” An older feminist critique – pdf.

John Rawls, [A Theory of Justice](#). Rawls’ text, revised edition – pdf.

[A Theory of Justice](#). The musical – soundtrack.

Questions for Rawl’s theory

1. Stripping away all the attributes those in the original position are not supposed to know about, what’s left to condition *rational* self-interest? Self-interest may be recognizable all the way down the ladder of life, but, below a certain level, instinct or genetic programming does better than reasoning at self-preservation. Being “rational” does not seem conceivable in a vacuum of complex value parameters. These are supplied by knowledge or awareness of one’s *situatedness*, which, in turn, seems to require knowing many of those things excluded by Rawls’ veil. The more awareness of those

important to him. Later, Quist writes, “For many socialists, socialism has not just been a theory of a just constitutional regime, but what Rawls called a ‘comprehensive doctrine’: a moral vision of social progress — humanity learning its upright walk... Rawls was never comfortable with socialism of this type, since it risked uniting the power of the state with a civil religion that could only ever be coercively imposed onto a pluralistic society. For Rawls, any plausible socialism would have to learn from how the liberal tradition negotiated religious pluralism, and would need to resolutely avoid this sort of connection between state and ideology.”

attributes that – *essentially*: in practically ahistorical but not abiological time – inflect value decisions the better for the effective *practice* of reason. Biological sex stands out in this regard. Absent too much of this seems to make the original position, *even as a thought experiment* incoherent, a bit like imagining fish evolving on a planet without water.

2. Another problem, noted by many, especially Nozickians, is the assumption of a high level of risk-aversion among those in the original position. How risk averse are we to assume these original deciders would be? And why? Is there a clear amount of risk a reasonable person will assume? On the face of it, it seems there seems a wide spectrum still falling within what is reasonable. Some of us will demand the surety of a comfortable safety net while others would prefer an adventure fully cognizant of a possible price.



Extended writeup for the topic hosted at

[The Philosophy Club](#) in August 2023

– Victor Muñoz

Guanajuato / Seattle